

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Reed, et al.

Serial No: 09/976,411

Filed: October 12, 2001

Confirmation No: 1102

Title: Medical Packaging Substrate



Group Art Unit: 1771

Examiner: Hai Vo

Our Client ID: 22827

Our Account No: 04-1403

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
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LETTER – TERMINAL DISCLAIMER & CERTIFICATE UNDER 37 C.F.R. 3.73(b)

This is a response/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee
Total Effective Claims _____ minus _____	= _____	X \$50 =	\$ _____ 0.00
Independent Claims _____ minus _____	= _____	x \$200 =	\$ _____ 0.00
If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time, add \$290.00 (per application)			\$ _____ 0.00
Since Official Action set an <u>original</u> due date of _____			
PETITION is hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$120; 2 months \$450; 3 months \$1020; 4 months \$1590, 5 months \$2,160)			\$ _____ 0.00
If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$110.00)			\$ _____ 110.00
SUBTOTAL:			\$ _____ 0.00
If "small entity" verified statement filed <input type="checkbox"/> previously, <input type="checkbox"/> herewith, enter one-half (½) of subtotal and <u>subtract</u>			\$ _____ 0.00
TOTAL:			\$ _____ 110.00
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The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

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DORITY & MANNING
ATTORNEYS AT LAW, P.A.

By: Jason W. Johnston Reg. No: 45,675 Date: October 11, 2005

Signature: _____

I hereby certify that this correspondence and any referenced attachment and fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Post Office Box 1450, Alexandria, VA 22313-1450, on October 11, 2005.

Lynn Watkins

(Typed or printed name of person mailing paper or fee)

Lynn Watkins
(Signature of person mailing paper or fee)



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
NPI-30 (14845)

In re Application of: Reed, et al.

Application No.: 09/976,411

Filed: October 12, 2001

For: Medical Packaging Substrate

The owner*, Neenah Paper, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent No. 6,743,522** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. _____

Jon E. Wall 10/17/05
Signature Date

Jon Wall
Typed or printed name

678-566-6500
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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